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February 11, 2022

Via ECF

The Honorable Ronnie Abrams, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2203
New York, NY 10007

Re: Baez et al v. Pizza On Stone LLC et al.
Case No. 1:21-cv-09714

Dear Judge Abrams:

We are counsel to Plaintiff in the above-referenced matter. We write to inform the Court of the following discovery dispute and to respectfully request that the Court set a discovery conference to resolve the dispute.

On January 4, 2022, Your Honor referred this case to the Southern District Mediation Program for Early Mediation [Dkt. No. 21]. Pursuant to the Order, within four (4) weeks of the Order, the parties were to exchange limited discovery to help facilitate mediation. The deadline to produce such documentation was February 1, 2022.

On February 1, 2022, Plaintiff's counsel produced the "spreadsheet of alleged underpayments and other damages" to Defendants' counsel. *See Exhibit A.* However, Plaintiff's counsel did not receive any production from Defendants on February 1, 2022.

On Monday, February 7, 2022, six (6) days after the deadline to produce, Plaintiff's counsel attempted to reach Defendants' counsel by phone and email to determine when the Court ordered documents would be produced, if any existed. Defendants' counsel did not respond. *See Exhibit B.* On February 10, 2022, Plaintiff's counsel followed up again with Defendants' counsel by telephone and email as to the status of the Court ordered production, and Defendants' counsel again failed to respond. *See Exhibit B.*

Documents such as the "records of wages paid to and hours worked by the Plaintiff (e.g., payroll records, time sheets, work schedules, wage statements and wage notices)" and "documents describing compensation policies or practices" are necessary to perform an accurate liability analysis to enable a fruitful mediation. Furthermore, if Defendants intend to assert an inability to pay, then Plaintiff's counsel will require time to review such documentation demonstrating the dire financial status.

As of this date, Defendants have yet to produce the documents required by the Order nor have Defendants informed Plaintiff's counsel that no responsive documents exist. Therefore, we respectfully request that the Court set a discovery conference.

We thank the Court for considering this matter.

Respectfully submitted,

/s/ C.K. Lee
C.K. Lee, Esq.

cc: all parties via ECF

Application granted.

The parties shall appear for a telephone conference on February 16, 2022 at 12:00 p.m. to discuss this discovery dispute.

The parties shall use the following dial-in information to call in to the conference: Call-in Number: (888) 363-4749; Access Code: 1015508.

SO ORDERED.

A handwritten signature in blue ink, appearing to be 'R. Abrams', written over a horizontal line.

Hon. Ronnie Abrams
02/14/2022

Exhibit A

Baez et al v. Pizza On Stone LLC et al - 21-cv09714-RA - Early Mediation Order - Document Production - FOR MEDIATION PURPOSES ONLY

Tenzin Tashi <tenzin@leelitigation.com>

Tue 2/1/2022 3:51 PM

To: Wayne Kreger <wayne@kregerlaw.com>

Cc: Taylor Grasdalen <taylor@leelitigation.com>; CK Lee <cklee@leelitigation.com>

 1 attachments (32 KB)

Baez et al v. Pizza On Stone LLC et al - Alberto Baez Damage Calculations.pdf;

Mr. Kreger,

Pursuant to the Court's Early Mediation Program, please find attached Plaintiff Baez's individual damage calculations.

Damages for the Class are to be calculated.

Thank you,
Tenzin

Tenzin Tashi, Esq.

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Please note our new office address

Exhibit B

Re: Baez et al v. Pizza on Stone LLC et al - Defendants mediation production

Tenzin Tashi <tenzin@leelitigation.com>

Thu 2/10/2022 3:00 PM

To: Wayne Kreger <wayne@kregerlaw.com>

Cc: CK Lee <cklee@leelitigation.com>; Taylor Grasdalen <taylor@leelitigation.com>

Mr. Kreger,

Following up on my email from earlier this week, when can we expect the Court ordered pre-mediation document production that was due on February 1, 2022?

Thanks,
Tenzin

Tenzin Tashi, Esq.

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Please note our new office address

From: Tenzin Tashi

Sent: Monday, February 7, 2022 2:46 PM

To: Wayne Kreger <wayne@kregerlaw.com>

Cc: CK Lee <cklee@leelitigation.com>; Taylor Grasdalen <taylor@leelitigation.com>

Subject: Baez et al v. Pizza on Stone LLC et al - Defendants mediation production

Mr. Kreger,

Pursuant to Judge Abrams' January 4, 2022 Order [Dkt. No. 21], Defendants were to produce by February 1, 2022: (i) payroll records, time sheets, work schedules, wage statements and wage notices, (ii) any existing documents describing compensation policies or practices, and (iii) if Defendants assert inability to pay, any proof of financial condition including tax records, business records, or other documents demonstrating their financial status.

When can we expect these documents?

Thank you,
Tenzin

Tenzin Tashi, Esq.

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